

THE COMMONWEALTH OF MASSACHUSETTS

Town of Wareham

WAREHAM TOWN CLERK  
2024 JAN 24 PM 4:16

BOARD OF APPEALS

Petition No. : 47-23  
Book:46613 Page: 0342  
Date: 01/11/2024

Certificate of Granting of Special Permit/ Variance  
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the Town of Wareham hereby certifies that a Special Permit has been granted:

To: Michael J Umamo, Trustee, ITW Realty Trust

Address: 40 Lone Street

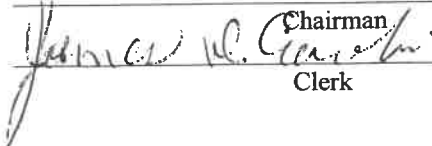
City or Town: Marshfield, MA 02050

Affecting the rights of the owner with respect to land or buildings at Assessor's Map 3, Lot 195A, 196A, 197A, 198A

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to grant a variance and that copies of said decision, and of all plans referred to in the decision, have been filed with the ZBA, Conservation Commission, and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 provides that no special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The owner or applicant shall pay the fee for such recording or registering. A copy of the registered decision shall be returned to the Board of Appeals as proof of filing.

Any person aggrieved by this decision may appeal to the Superior Court of Land Court as in Section 17 of Chapter 40A, M.G.L. by filing a NOTICE OF ACTION AND COMPLAINT within twenty (20) days of the date of filing of this decision.

  
Chairman  
Clerk

**TOWN OF WAREHAM**  
*Board of Appeals*  
CLERK'S RECORD OF NOTIFICATION

WAREHAM TOWN CLERK  
2024 JAN 24 PM4:16

No. 47-23

Petition of: New Cingular Wireless PCS, LLC d/b/a AT&T

Location of Property: 25 Brown Street

Date of Notification of Hearing: November 9, 2023 and November 16, 2023

Date of Hearing: December 13, 2023, December 27, 2023 and January 10, 2024

Date of Notification of Decision: January 11, 2023

DECISION: See attached

REASON:

Name and Address of Abutting Owners: Certified Abutters List Attached

*James D. Corbett*

Board of Appeals

## **NOTICE OF DECISION OF THE WAREHAM ZONING BOARD OF APPEALS**

**Petition: 47-23**

**Applicant: New Cingular Wireless PCS, LLC d/b/a AT&T**

**Owner: Michael J. Umano, Trustee, ITW Realty Trust**

**Owner Address: 40 Lone Street, Marshfield, MA 02050**

**Subject Property Address: 25 Brown Street**

**Subject Property Parcel ID: Map 56, Lot 1000A**

**Date of Public Hearing: December 13, 2023, December 27, 2023 & January 10, 2024**

**Date of Notice: January 11, 2024**

### **Findings:**

The Petitioner was before the Zoning Board of Appeals on December 13, 2023, pursuant to a Denial Letter dated June 21, 2023, issued by the Building Commissioner who determined that the Petitioner's plan to extend the existing cell tower from 150' to 160', with overall height of 163' in the MR-30 district located at 25 Brown St requires a Special Permit. Accordingly, the Petitioner brought the petition to the Board of Appeals which granted the Special Permit on January 10, 2024, as a continued hearing.

The Board considered the protections afforded to telecommunications under State and federal law and the limits of the Board's action on this application, and with the agreement of counsel for the applicant, voted to issue a Special Permit. The Board also considered the impact on the neighborhood should the construction occur or should the antenna fall and found that vegetative buffer plantings would provide a reasonable visual buffer to reduce impact to the neighborhood and that the fall zone was sufficiently devoid of potential harm so the additional height was acceptable.

Based upon the above, the Board granted the Special Permit subject to the following conditions:

### **Conditions:**

- 1. Any relief not expressly granted hereunder is hereby denied.**
- 2. Plantings of evergreens, 6' tall and 5' apart are to be installed around the equipment to act as grade-level visual relief.**
- 3. For this decision to become effective, a copy of said decision and notice thereof must be filed at the Plymouth County Registry of Deeds and must bear the certification of the Town Clerk that twenty (20) days have elapsed and no appeals have been filed, or that if such appeal has been filed, that it has been dismissed or denied. A certified copy of said recording must be thereafter filed with the Board of Appeals.**
- 4. If substantial use or construction permitted by these Variances has not commenced within one year from the date of which a copy of this decision is filed with the Town Clerk, excluding the amount of time required for an appeal period to expire and the amount of time required to pursue and await**

**the determination of any such appeal, then these variances shall expire in so far as the foregoing statement is modified by Chapter 195 of the Acts of 1984. Any person exercising rights under a duly appealed Variance does so at the risk that a court may reverse the permit and any construction performed under the permit may be ordered undone.**

- 5. Any person aggrieved by this decision of the Zoning Board of Appeals may file an appeal pursuant to the provisions of M.G.L. Chapter 40A, section 17 within twenty (20) days of the filing of this decision in the office of the Town Clerk. If no appeal is taken within the allotted time, the Clerk will so certify.**
- 6. If the applicant wishes to modify the approved Record Plans, it shall submit proposed modifications in accordance with the provisions of this paragraph. Where such modification is deemed substantial, the same standards and procedures applicable to an original application for approval shall apply to such modification and a public hearing shall be required by the ZBA; provided, however, that the ZBA may determine that a proposed modification is insubstantial and approve the same without the need for any further ZBA approval.**

**VOTE: (4-1-0) By the Wareham Zoning Board of Appeals.**

**ZONING BOARD OF APPEALS DECISION SHEET**

**Petition Number: 47-23**

**Petitioner Name: New Cingular Wireless PCS, LLC**

**Map: 56**

**Lot: 1000A**

**Address: 25 Brown Street**

**Project: Proposing to extend existing 150' communications tower by 10' to a new structure height of 160'**

**Special Permit          Variance          Both    (Circle one)**

**Reason for granting/denying the application:**

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**Conditions:**

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3. 

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8. 

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9. 

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10. 

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TOWN OF WAREHAM ABUTTERS

MAP 56 LOT 1000/A

OWNER ITW REALTY TRUST, MICHAEL J UMANO

MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE
48-0-1045	RIPLEY'S MANUFACTURED HOME, % SWIFT'S BEACH MANUFACTURED HOME	COMMUNITY INC, PO BOX 54	SALEM, NH	3079
48-0-1047	ROGERS FANNIE W ET ALS, C/O DANIEL MCASSEY	12 SWIFT'S BEACH RD,	WAREHAM, MA	2571
48-0-1048	GAUDETTE BRIAN, BELROSE EMILY	12 SWIFT'S BCH RD,	WAREHAM, MA	2571
48-0-1049	THOMAS RONALD E,	14 SWIFT'S BEACH RD,	WAREHAM, MA	2571
56-0-1000-A	UMANO MICHAEL J TRUSTEE, ITW REALTY TRUST	40 LONE ST,	MARSHFIELD, MA	2050
56-0-1001-A	SWEBCO LLC,	20 NORTH PARK AVE,	PLYMOUTH, MA	2360
56-0-1001-B	HICKIE WILLIAM, HICKIE SAMANTHA	23 SWIFT'S BEACH RD,	WAREHAM, MA	2571
56-0-1001.C1	STENSON THOMAS, STENSON EILEEN	11 BROWN ST,	WAREHAM, MA	2571
56-0-1001.C2	WANDRIE KATIE-ANNE,	13 BROWN ST,	WAREHAM, MA	2571
56-0-1010	246 MARION ROAD LLC,	7 FIELDSTONE LN,	MARION, MA	2738
56-0-1012	TATRO TANYA M, PIRES DEREK J JR	22 BROWN ST,	WAREHAM, MA	2571
56-0-1013	OLIVEIRA BARBARA, C/O HABITAT FOR HUMANITY	PO BOX 1584,	MATTAPOISETT, MA	2739
56-0-1022	FRANKLIN HARRY	18 BROWN ST,	WAREHAM, MA	2571
56-0-1023	PATRAS NORMAN J, BRITO-PATRAS PAULA	3 OLD BEAVERDAM RD,	WAREHAM, MA	2571
56-0-1025/1A	SCHOBEL SUSAN M,	5A ROCK MARSH RD,	WAREHAM, MA	2571
56-0-1025/1B	LAVOIE ANDREW TRUSTEE, ANDREW CHARLES LAVOIE LIVING TR	52 GILBERT ST	RIDGEFIELD, T	6877
56-0-1025/7A	ELENIEFSKY CARA M,	2A ROCK MARSH RD,	WAREHAM, MA	2571
56-0-1025/7B	NEWCOMB JOHN D, GULNICK VICKI L	28 ROCK MARSH RD,	WAREHAM, MA	2571
59-0-1002	CANNATA EDWARD N III, CANNATA KAREN J	247 MARION RD,	WAREHAM, MA	2571
59-0-1003	CNS HOME SOLUTIONS LLC,	128 UNION ST SUITE LLS	NEW BEDFORD, MA	2740
59-0-1004	MARSHALKA DAVID,	29 BROWN ST,	WAREHAM, MA	2571
59-0-1005	BISCEGLIA PAUL M & PAUL M JR, BISCEGLIA KEITH TRUSTEES	106 GUNNING PT RD,	WAREHAM, MA	2360
59-0-1006	BTF LLC	410 GREAT RD STE 6-2-2-G	LITTLETON, MA	1460
59-0-1008	FELDMAN GREGORY S, WORTHINGTON BARBARA	2729 CRANBERRY HWY,	WAREHAM, MA	2571
59-0-1018	WHEATON TAYLOR, HOWELL-SHERYL K	33 BROWN ST,	WAREHAM, MA	2571
59-0-1024	TAVARES ARTHUR,	64 CREST RD,	MUNSON, MA	1057
59-0-5	CRISPIN MICHAEL,	251 MARION RD,	WAREHAM, MA	2571
59-0-7	KIRKLAND MITCHELL V III, KIRKLAND ELEANOR M TRUSTEES	541 MAIN ST,	WAREHAM, MA	2571
56-0-1000-B	FAMILY PANTRY, THE - DAMIEN'S PLACE CORP 3065 CRAN HWY #B820	PO BOX 730	E WAREHAM, MA	2538

CERTIFIED ABUTTERS AS THEY APPEAR ON  
OUR TAX ROLLS AS OF 9/13/2023

*Hy Renee Adams*

ASSESSORS OFFICE

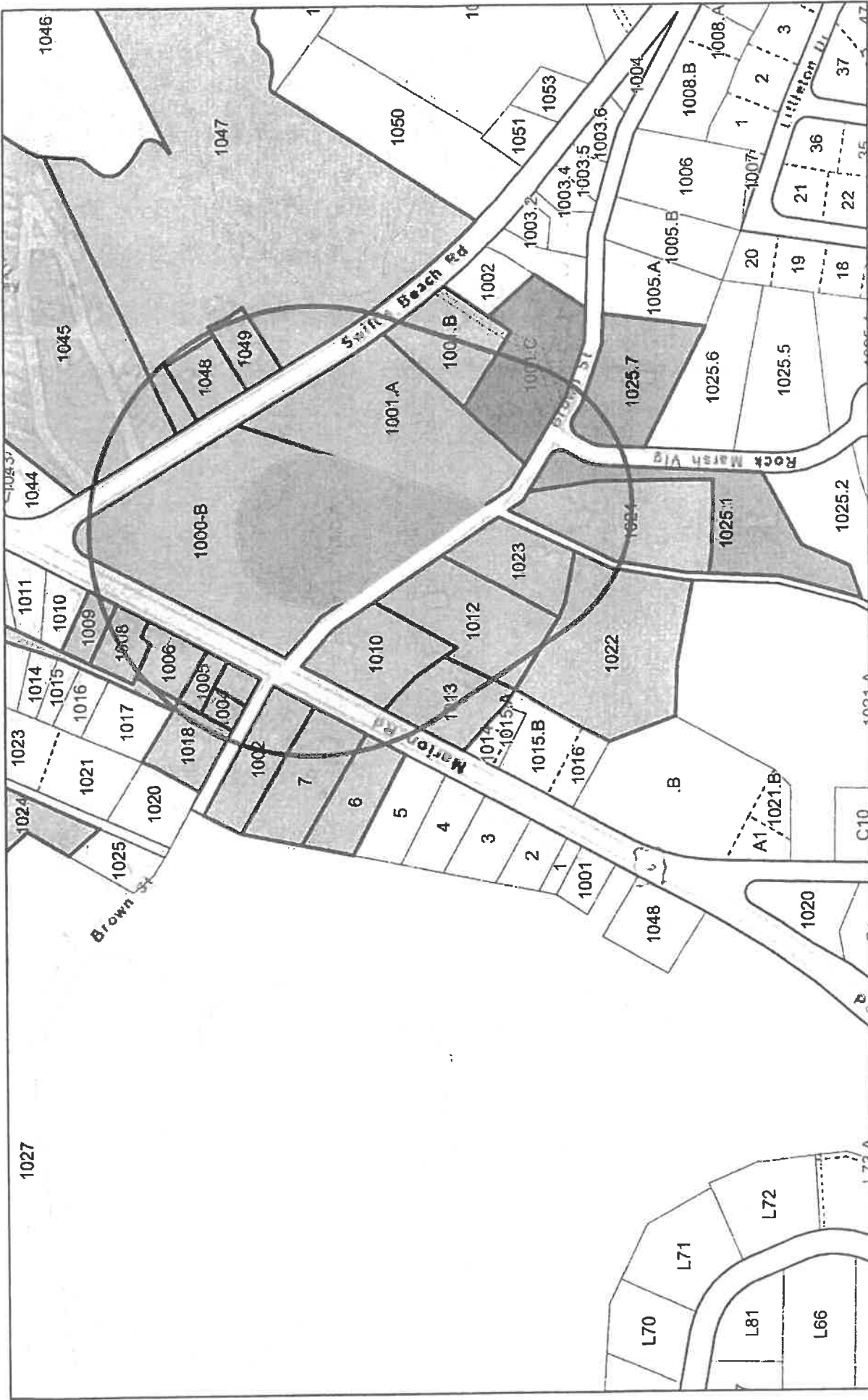
REQUESTED BY:

MICHAEL DOLAN

401 261-5128

MDOLAN@BROWNRUDNICK.COM

# ArcGIS Web Map



9/13/2023, 11:47:53 AM

- Parcels with CAMA Data
- Parcel Lines
- Common Line
- Private Road
- Property Line
- Public Road
- MiscPolys
- Private Road ROW
- Right of Way
- Miscellaneous Lines
- Utility
- Wetland